

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-CR-293

-vs-

GREGORY KIRKSEY,

Defendant.

ORDER

The defendant, Gregory Kirksey objects to Magistrate Judge Aaron E. Goodstein's Recommendation to this Court and requests a *de novo* hearing to present "new" evidence.

Because the Court does not view the offered "evidence" as "new" and because the Magistrate Judge's Recommendation found the testimony of the arresting officer to be credible, the Court declines to conduct a hearing to supplement the evidence already offered. The Court adopts the Recommendation of Magistrate Judge Goodstein and the reasoning supporting it.

NOW THEREFORE, BASED ON THE FOREGOING the Court adopts the Recommendation of Magistrate Judge Goodstein that Kirksey's motion to dismiss the indictment for prosecutorial delay be denied and that Kirksey's motion to suppress be denied.

Dated at Milwaukee, Wisconsin, this 12th day of October, 2005.

SO ORDERED,

**s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge**